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REMARKS

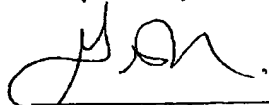
Reconsideration of the application is respectfully requested, in view of the following remarks.

Claim 24 recites a method wherein probiotic *Lactobacillus* bacteria are added to a food product wherein the bacteria are rendered non-viable by means of pasteurization. The Office argues, at least with respect to dependent claim 25, that a pasteurization method step is not recited and that spray dried bacteria in the Meister et al. reference are capable of performing the claimed process and would reasonably meet the claimed property limitations, so that the claim must be anticipated. Applicants submit that the fact that the Office is unable to point to any indication by Meister et al. that the bacteria are not fermenting, belies the Office's contention that the bacteria would reasonably meet the claimed property limitations.

As pointed out previously, one of ordinary skill would not regard spray drying as a pasteurization method. Since the art recognizes a difference in the processes, it is logical to conclude that the result with respect to the bacteria will be different. This is borne out by the Office's inability to show that the bacteria in Meister et al. are not fermenting. Indeed, as pointed out before, the Office points to no indication that Meister et al. want bacterial which are substantially incapable of fermenting. The Office has not established that the Meister et al. bacteria will inherently (inevitably) produce the same effect; quite the contrary. Nor do Meister et al. lead one of ordinary skill in the direction of the invention which is recited in claim 24 since Meister et al. appear to want at least some viable bacteria to survive its drying step. Consequently, the invention is neither inherently disclosed nor taught by the cited art, and it is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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